

# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

**An ordinance  
to insure orderly  
and harmonious  
appearance of  
buildings and  
structures and  
the development  
of land.**

Adopted January 22, 2008

<u>Sections:</u>	<u>Page:</u>
9-1 Purpose	1
9-2 Application and Review	1
9-3 Exceptions	2
9-4 Planning Commission Approval	2
9-5 Consideration in Review of Applications	2
9-6 Landscaping Requirements	3
9-7 Conditions	5
9-8 Findings and Decisions	6
9-9 Notification of Approval or Denial	6
9-10 Time Limitations on Approval	6
9-11 Transfer of Approval Upon Change in Use	6
9-12 Conformance to Approval	6
9-13 Modifications	6
9-14 Performance Guarantees	6
9-15 Reimbursement for Off Site Improvements	8
9-16 Minimum Improvements	9
9-17 Maintenance of Improvements Required	9

### **Section 9-1 Purpose**

The purpose and intent of design review is to secure the general purposes of this Ordinance and the Kanab City General Plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in the occupation of the neighborhood.

### **Section 9-2 Application and Review**

All applications for building permits for all buildings and structures, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, clear view triangle for streets and driveways, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Kanab City Planning Commission, except that the review and approval of such permits by the Kanab City Zoning Administrator may be authorized by the Kanab City Planning Commission when the application meets all requirements of this Ordinance. All of the above required architectural and site development plans shall have been reviewed and approved prior to

# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

the issuance of a building permit.

### **Section 9-3 Exceptions**

For buildings and uses covered by conditional use permits and Planned Development, design review shall be incorporated within such conditional use permit and Planned Development and need not be a separate application, provided the requirements of this Chapter are met.

### **Section 9-4 Planning Commission Approval**

The Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized by the Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general objectives of this Ordinance, and shall give or withhold approval accordingly. Denial or approval by the Kanab City Planning Commission may be appealed to the Kanab City Council, as provided for in the appeals section of this Ordinance.

### **Section 9-5 Consideration in Review of Applications**

The Kanab City Planning Commission and the Kanab City Zoning Administrator, when authorized, shall consider the following matters, and others when applicable, in their review of applications:

1. Considerations relating to traffic safety and traffic congestion.
  - a. The effect of the site development plan on traffic conditions on abutting streets.
  - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
  - c. The arrangement and adequacy of off-street parking facilities.
  - d. The location, arrangement, and dimensions of truck loading and unloading facilities.
  - e. The circulation patterns within the boundaries of the development.
  - f. The surfacing and lighting of off-street parking facilities.
2. Consideration relating to outdoor advertising. The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development.
3. Considerations relating to buildings and site layout.
  - a. Consideration of the general silhouette and mass,

# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

including location on the site, elevation, and relation to natural plant coverage, all in relationship to the neighborhood.

b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.

### Section 9-6 Landscaping Requirements

1. Public Right Of Way: The public right of way shall be landscaped with two inch (2") caliper trees and approved landscaping as described in Section 9-6(8).

2. Street Frontage Landscaping: In addition to the landscaping required in the public right of way, a minimum six foot (6') wide landscaped area shall be installed along the entire frontage of the parcel. Driveways and sidewalks shall be allowed to cross this six foot (6') wide landscaped area. The Planning Commission may revise the landscaping plan to ensure the purposes of this chapter are substantively met.

3. Landscape Plan Required: A landscape plan including a mix of landscape elements is required for all developments. The front, side, and rear yards of lots shall be landscaped and properly maintained with:

a. Living plant materials (e.g., lawn, ground cover, annual and perennial flowering plants, desert plants, vines, shrubs, trees and other plant materials.) planted directly on the property and kept free from all hard surfaces.

b. Use of water (e.g., pools fountains, falls and streams) and sculptures may be included as landscape design materials.

c. Paving materials (e.g., bricks, pavers, flagstones, textured concrete) may be included upon approval of the Planning Commission if they create a useful open space, add color or texture to the design, and create visual interest.

d. Landscaping rocks, gravel or wood chips may be used, provided such area does not cover more than twenty five percent (25%) of the area required to be landscaped. If more than twenty five percent (25%) is desired, approval must be given by the Planning Commission.

4. All areas in a development not approved for parking, buildings, or other hard surfacing, shall be landscaped and properly maintained with landscaping materials approved in conjunction with a Site Plan.

# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

5. A minimum of one (1) canopy tree in each landscaped area, within a project boundary, shall be required in addition to other trees required in this Title as determined by Planning Commission.
6. Plastic Or Artificial Materials Prohibited: Landscape plants shall not include plastic or other artificial materials.
7. Minimum Plant Sizes: The following minimum plant sizes shall be used:

Landscape Element (Plants)	Minimum Size At Planting
Shade tree	2 inch caliper, balled and bur lapped
Ornamental tree	2 inch caliper, balled and bur lapped
Evergreen tree	7 feet in height, balled and bur lapped
Shrub	5-gallon container
Perennial or ornamental grass or ground cover	10 square foot area
<b>Notes:</b> 1. All calipers are measured 1 foot above the finish planting grade. 2. Root barriers shall be installed for all new trees planted adjacent to existing or proposed sidewalks and paving. 3. Building sidewalks on beds of course gravel will cause tree roots to grow deeper - they will not grow through and lift sidewalk.	

8. Retention Of Existing Trees And Plants: Existing trees, native vegetation and rare plants shall be retained wherever possible and may be accepted in lieu of new plantings, unless they are an undesirable species.
9. Energy Efficiency: All landscaping shall be designed to consider the site and surrounding properties by addressing sun, shade and wind for increased energy efficiency.
  - a. Landscaping shall provide a mix of deciduous trees, evergreens, ornamental plants and ground cover to provide year around screening.
  - b. Deciduous trees shall be included for providing shade in parking lots and around structures. Large trees are encouraged for maximum shade canopy.
  - c. Evergreen trees shall be included for windbreaks, screening and accent purposes.
10. Spacing: Trees may be grouped together or spaced evenly as approved in the site plan.
11. Xeriscape is encouraged.

# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

12. Clear View Triangle shall be observed in regard to all vegetation near streets and drives. No evergreen trees shall be planted within any sight triangle. The maximum height of any berm, fences, signs or vegetative ground cover at maturity within the view triangle is two feet (2'). The Clear View Triangle is the area of visibility required for the safe operation of vehicles, pedestrians and cyclists in proximity to intersecting streets and driveways. The clear view triangle shall be regulated by AASTHO standards for signs and landscaping.

13. Trash Enclosures: Five foot (5') landscaping strips are required around all trash enclosures except the gate side.

14. Monument Signs: Five foot (5') landscaping strips shall be provided at the base of all monument signs.

15. Installation And Maintenance: Installation of required landscaping shall be the responsibility of the property owner.

a. All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled permanent irrigation systems.

b. All proposed plant material shall be in accord with the American association of nurserymen standards in terms of size, character and quality.

c. All plant materials required within a landscaped area shall be planted to completion prior to the city's issuance of a certificate of occupancy.

d. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

e. All plant materials shall be pruned, trimmed, watered and otherwise maintained to create an attractive appearance and a healthy growing condition. No trees shall be severely pruned or topped.

f. Dead, diseased, stolen or vandalized plant materials shall be replaced by the next planting season.

g. Property owners shall keep landscaped areas free of weeds and trash.

### Section 9-7 Conditions

The Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the consideration of this Chapter as the Kanab City Planning Commission or Kanab City Zoning Administrator deem reasonable and necessary under the circumstances to carry out the intent of this

# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

Chapter.

### **Section 9-8 Findings and Decisions**

Upon a finding by the Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, that the application meets the intent of this Chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

### **Section 9-9 Notification of Approval or Denial**

Upon the granting of design approval, the secretary of the Kanab City Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereof, or the fact of denial and the reasons therefor.

### **Section 9-10 Time Limitations on Approval**

If construction in harmony with the permit for any development for which design approval has been granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Kanab City Planning Commission, or the Kanab City Zoning Administrator, when authorized.

### **Section 9-11 Transfer of Approval Upon Change in Use**

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the Kanab City Planning Commission, or the Kanab City Zoning Administrator, when authorized to do so. If the transfer is not approved, a new application must be filed.

### **Section 9-12 Conformance to Approval**

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

### **Section 9-13 Modifications**

Upon request of the applicant, modifications in the approved plan may be made by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized to do so, if it is found that the modifications will meet the requirements of this Chapter. The Kanab City Planning Commission may revoke or modify a design approval which does not conform to any requirements of the approved permit.

### **Section 9-14 Performance Guarantees**

1. Application. Wherever a performance guarantee is required

# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

under the terms of this development code, said guarantee shall be submitted in conformance with this chapter.

2. Type and Amount of Guarantee. All performance guarantees shall be posted in the form of a performance bond, an escrow account or an irrevocable letter of credit. Whichever form of performance guarantee is employed for any development project, the performance guarantee shall be made through an adequate and appropriate agency acceptable to the City. The amount of the guarantee shall include at least one hundred and twenty five percent (125%) of the cost of all materials and labor for the work to be performed as established by the city engineer and the costs of administration by the City.

3. Duration of Guarantee. The duration of the performance guarantee shall be for the period of time specified for completion of required improvements and any extensions to such period as may be approved by the City Council. The date of beginning of the durability performance period shall be the date of acceptance of the improvement by the City Council.

4. Partial Releases Permitted. Where a guarantee is provided for the purpose of ensuring the timely installation of required improvements, the city may authorize a partial release of the guarantee. The amount of any partial release shall be in an amount commensurate with the estimated cost of the completed improvements, as determined by the City Engineer, less a holdback of ten percent (10%).

5. Final Disposition and Release.

a. Request: At the completion of the work, the subdivider shall submit to the city one copy of a written notice of completion, copies of lien releases from all suppliers of materials and subcontractors, and a request for release. Following receipt of the notice and request, the City Engineer shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the condition of such facilities.

b. Acceptable Condition: If the condition of said improvements is found to be satisfactory and all liens are paid, the city council shall act to accept the improvements and authorize release of the remainder of the guarantee.

c. Unacceptable Condition: If the condition of material or workmanship shown unusual depreciation or does not comply with the acceptable standards of durability, or if there are any outstanding liens, or if any other terms of the guarantee have not been satisfied, the matter shall be referred to the City Council, and in accordance with the provisions of Section 9-



# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

14-6 of this chapter, the City Council may declare the developer in default and take such actions as are determined necessary to secure performance.

6. Default. Where, in the opinion of the City Council, a developer fails or neglects to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, make payment to the city for administration and inspections, or otherwise fails in carrying out the activity for which the performance guarantee was required, the city council may, after a public hearing with due notice on the matter, declare the performance guarantee forfeited and thereafter may install or cause the required improvement to be installed using the proceeds from the guarantee to defray the costs; provided, that the city shall not be responsible for work beyond the limits of the bond amount. Any funds remaining after completion of the required improvements will be returned to the developer.

7. Time Limit for Installation; Performance Guarantee.

a. All required improvements not in place prior to the approval of the final plat by the city council shall be installed by the developer as required by City Ordinances following the date of final plat approval; provided, however, that upon a showing of good and sufficient cause (i.e., lateness of the final approval date, unexpected delays, etc.), the city council may extend the date of completion or authorize a longer period of time for completing construction of part or all of the uncompleted improvements.

b. A performance guarantee securing the installation of all required improvements which have not been completed and accepted by the city council prior to final plat approval shall be required as a condition of final plat approval. The performance guarantee shall be in accordance with City Ordinances.

### Section 9-15 Reimbursement for Off Site Improvements

1. Reimbursement shall be allowed for off site improvements which are required as a condition of approval of a subdivision. Whenever an extension of any required off site improvement benefits property contiguous to the extension, other than property owned by the developer, the City will enter on its records the amount of the actual cost of the extension across the benefited property. The owner of the benefited property shall reimburse the developer the charges assessed against such benefited property for a period of thirty (30) years from the date of completion and acceptance of the extension by the City. All reimbursable improvements under this section shall be constructed to the fullest extent of the improvement, including, but not limited to, full width and fully improved rights of way.



# Chapter 9

## DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

2. The amount of the reimbursement to be paid by a benefited property shall be determined by an engineer's estimate submitted to the City on a per linear foot basis. The extension reimbursement charge shall be paid before any service connection is made to the benefited property and shall be in addition to all other fees and charges.

### Section 9-16 Minimum Improvements

1. All required improvements not in place prior to the approval of the final plat by the city council shall be installed by the developer as required by City Ordinances following the date of final plat approval; provided, however, that upon a showing of good and sufficient cause (i.e., lateness of the final approval date, unexpected delays, etc.), the city council may extend the date of completion or authorize a longer period of time for completing construction of part or all of the uncompleted improvements.

2. A performance guarantee securing the installation of all required improvements which have not been completed and accepted by the city council prior to final plat approval shall be required as a condition of final plat approval. The performance guarantee shall be in accordance with City Ordinances.

3. Included Minimum Improvements: The minimum improvements shall include:

- a. Streets and travel ways, and including provisions for stabilization and re-vegetation of cut and fill slopes.
- b. Water and sewerage mains and facilities.
- c. Fire hydrants.
- d. Any required drainage or flood control structures.
- e. Any required restoration of cut and fill slopes.
- f. The costs of installing landscaping and common facilities within any common open space area.
- g. Secondary irrigation water system.

### Section 9-17 Maintenance of Improvements Required

All improvements, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually maintained by the owners or their agents through a special taxing district, owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City Council.